

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

THE UNITED STATES OF AMERICA and  
THE STATE OF NEW YORK ex rel.  
DR. ANTONI NARGOL and  
DR. DAVID LANGTON,

Plaintiffs-Relators,

v.

DEPUY ORTHOPAEDICS, INC., DEPUY, INC.,  
and JOHNSON & JOHNSON SERVICES, INC.,

Defendants.

Case No. 12-10896-MPK

HONORABLE  
M. PAGE KELLEY

**MOTION TO WITHDRAW APPEARANCE**

Jayne Conroy, Justin Presnal, and Laura Fitzpatrick of Simmons Hanly Conroy LLC; W. Mark Lanier and Kathryn Rachel Lanier of the Lanier Law Firm; and Richard J. Arsenault of Neblett, Beard & Arsenault ("Movants") move to withdraw their appearance as counsel for Plaintiffs-Relators Dr. Antoni Nargol and Dr. David Langton pursuant to Rule 83.5.2(c) of the District of Massachusetts Local Rules, and hereby request leave of court to withdraw.

As the Court presumably is aware, Ross B. Brooks of the Brooks Law Firm, LLC has been leading the representation of Plaintiffs-Relators for the last two years. Movants advised Mr. Brooks and the Relators in January 2021 of their intent to withdraw (see ECF No. 374 at 1), but Movants held off on filing this motion at the request of Mr. Brooks and Relators while they attempted to secure other co-counsel. (Id.) Mr. Brooks previously represented Relators from the start of DOJ's investigation through the start of discovery

in this action, and Mr. Morris has continuously represented Relators since the action was commenced. Messrs. Brooks and Morris are experienced False Claims Act litigation counsel who have had a long-standing relationship with Plaintiffs-Relators and are familiar with all aspects of the litigation.

On December 8, 2021, the Court granted DePuy's motion for reconsideration and dismissed this case with prejudice. Movants were not involved either in the preparation of the Second Amended Complaint at issue in the motion for consideration, or in the briefing surrounding the motion itself.

In light of the dismissal, there is no reason for Movants to further delay their request for leave to withdraw. Movants understand that leave of court is required by Local Rule 83.5.2(c)(1)(D) because there are currently at least two motions pending before the Court: (1) DePuy's motion for fees and costs (which does not implicate any conduct of Movants) (ECF No. 643); and (2) Relators' post trial motion (ECF No. 648). Movants did not sign the post-trial motion.

Good cause exists for Movants to withdraw from this case because they advised Relators and Mr. Brooks almost two years ago of their desire and intent to withdraw, they have not been directly involved in prosecuting this case since that time, and the Court has dismissed the case with prejudice. Movants received notice today from Mr. Brooks that he may seek leave of Court to withdraw his appearance as well, but Movants should not be precluded from being allowed to withdraw after having accommodated Mr. Brooks and Relators' requests not to file their motion to withdraw earlier, as Movants intended to do.

Movants have advised Relators, Mr. Brooks, and Mr. Morris of their intent to file this motion.

On January 6, 2022, Movants conferred with counsel for DePuy pursuant to Local Rule 7.1(a)(2) and inquired whether DePuy objected to Movants' motion for leave to withdraw, and DePuy does not oppose Movants' motion.

#### **CONCLUSION AND PRAYER**

For the reasons stated, Movants respectfully request that the Court grant their motion and grant leave for them to withdraw their appearance on behalf of Plaintiffs-Relators.

Dated: January 7, 2022

Respectfully submitted,

/s/ Justin Presnal  
Justin Presnal  
(admitted *pro hac vice*)  
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/s/ W. Mark Lanier

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#### **CERTIFICATE OF SERVICE**

I hereby certify that on January 7, 2022, I electronically transmitted the foregoing document to the Clerk of the United States District Court using the CM/ECF system for filing and service on all parties and counsel.

/s/ Jayne Conroy

Jayne Conroy